

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6697 OF 2006

Ms.Sunanda Lakshman Gatlewar	Petitioner
versus	
Mayur Sanjeevan Naik	Respondent

Mr.S.J.Rairkar for petitioner.
Mr.R.V.Govilkar for respondent.

CORAM : A.S.OKA, J.

DATE : 09th March 2007

PC :

1. Heard advocate for the petitioner. By this writ petition under Article 227 of the Constitution of India, the petitioner is challenging an order dated 19th August 2006 passed by the Trial Court below application at Exhibit-12. The prayer in this petition is for setting aside the impugned order. Prayer (b) in the petition is that the application at Exhibit-12 may be allowed. A perusal of the application at Exhibit-12 shows that the contention which is raised by the petitioner is that the Trial Court had no jurisdiction to entertain the suit filed by the respondent.

MST

Therefore, if the prayer made by the petitioner in the application at Exhibit-12 is to be allowed, it is obvious that it will result in disposal of the suit. Hence, a remedy under section 115 of the Code of Civil Procedure, 1908 is available to the petitioner. The petition is not entertained only on the said ground.

2. The petition is rejected. Notwithstanding rejection of the petition, it will be open for the petitioner to file a Civil Revision Application under section 115 of the Code of Civil Procedure, 1908. To enable the petitioner to file revision application, the proceedings of the suit will remain stayed for a period of four weeks.

(A.S.OKA, J.)